

The following bill then was introduced, read first time and referred to the Committee on State Affairs.

By Senator Lanning:

S. B. No. 351, A bill to be entitled "An Act amending Section 1 of Senate Bill 28 passed in the Regular Session of the Forty-sixth Legislature by adding thereto on line 11, between the words "emergency" and "supplementing" insert "or where such building is used for classroom or non-remunerative purposes."

House Bill 484 on Second Reading

Senator Stone moved that the regular order of business be suspended and that House Bill No. 484 be placed on its second reading and passage to third reading.

Question—Shall the motion prevail?

Adjournment

Senator Sulak moved that the Senate adjourn until 10:00 o'clock a. m., Monday, June 4, 1945.

Senator Stanford moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Sulak, it prevailed by the following vote:

Yeas—16

Aikin	Moore
Bullock	Ramsey
Chadick	Shivers
Crawford	Sulak
Jones	Taylor
Lane	Vick
Lanning	Weinert
Metcalf	Winfield

Nays—10

Brown	Martin
Graves	Moffett
Hazlewood	Parrish
Kelley	Stanford
Knight	Stone

Absent

York

Absent—Excused

Carney	Morris
Mauritz	Spears

The Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, June 4, 1945.

EIGHTY-THIRD DAY

(Monday, June 4, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, June 2, 1945, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Spears and Carney were granted leaves of absence for today on account of important business on motion of Senator Winfield.

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Aikin.

Communication from State Commander of Disabled American Veterans

On motion of Senator Moffett, the following communication from Hon. D. M. Perkins, State Commander of Disabled American Veterans, was ordered printed in the Journal:

Austin, Texas,
June 2, 1945.

Hon. John Lee Smith,
President of the Texas Senate,
Austin, Texas.

Dear Sir:

As State Commander of the Disabled American Veterans, I sincerely and earnestly desire to thank you and the members of the 49th Texas Legislature for the good laws passed at this session, in behalf of those who have worn the uniform of their country in the present war and earlier wars in which we have been engaged.

Your membership has at all times been responsive to the counsel, advice and aims of the organization of which I have the honor to be head at this time. I hope that my successors fare equally well at your hands.

Again thanking your, I remain,

Respectfully yours,

D. M. PERKINS,

Commander, Department of Texas
Disabled American Veterans.

**Communication from Dean of School
of Medicine at The University of
Texas**

The President directed the Secretary to read the following communication:

Galveston, Texas,
June 2, 1945.

The Honorable Mr. John Lee Smith,
Lieutenant Governor of the State of
Texas.

Austin, Texas.

Dear Mr. Smith:

Please extend to the members of the Senate our thanks for the generous interest shown in the Medical School affairs by the members of the Senate. We are grateful for the help we have received and we want all the Senators to know that we intend to do everything we possibly can to justify the trust placed in us.

With best wishes and thanks,

Sincerely yours,
CHAUNCEY D. LEAKE,
Dean.

The communication was read and was ordered printed in the Journal.

Senate Resolution 89

Senator Moore offered the following resolution:

Whereas, Hearings are to be held before Congressional Committees in Washington on proposed legislation relative to submerged lands belonging to the State of Texas; and

Whereas, Efforts have been made and doubtless will be made to pass legislation in Congress attempting

to place title to such lands in the Federal Government; and

Whereas, The State of Texas should resist to the utmost this attempt to take from the public free school fund that which rightfully belongs to it; and

Whereas, Texas should be represented before such Committees; and

Whereas, Governor Coke R. Stevenson has heretofore thoroughly briefed this question and has made an able presentation to the then Committees in Congress; now, therefore, be it

Resolved by the Senate of Texas that:

Governor Coke R. Stevenson is respectfully but urgently requested to attend in person Committee hearings on such proposed legislation and to present the case of the State of Texas against such; and be it further

Resolved that if Governor Stevenson is unable to attend, the Lieutenant Governor be authorized and directed to appoint some capable person to represent the Senate of Texas before such Committees and oppose the enactment of any legislation by Congress which would seek to take from the Public School Fund of Texas these submerged lands.

Signed—John Lee Smith, Lieutenant Governor; Senators, Aikin, Brown, Bullock, Carney, Chadick, Crawford, Graves, Kazlewood, Jones, Kelley, Knight, Lane, Lanning, Martin, Mauritz, Metcalfe, Moffett, Moore, Spears, Stanford, Stone, Sulak, Taylor, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Shivers, and by unanimous consent, the names of the Lieutenant Governor and all the members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

Senate Resolution 90

(Committee to Investigate Insurance
Business)

Senator Knight offered the following resolution:

Whereas, the State of Texas is recognized throughout the United States as being one of, if not the greatest, Insurance States in the Union, always rightfully exercising its position of leadership in Insurance affairs, and

Whereas, the State of Texas should continue to exercise its position of leadership in such affairs, and

Whereas, the business of Insurance has been satisfactorily and successfully regulated by the various States without Federal control throughout the years to the complete satisfaction of the insurance organizations involved, the insuring public and the public as a whole, and

Whereas, the Supreme Court of the United States has in what is generally known as the "Southeastern" case reversed its holding which has stood through all the years that the business of Insurance is not commerce and therefore not subject to the commerce clause of the Federal Constitution so as to hold now that Insurance is commerce and subject to such commerce clause of the Federal Constitution, and

Whereas, as a result of such Southeastern decision the Congress of the United States, recognizing the outstanding job the States have done in regulating the business of Insurance and the undesirability of Federal control of this last bulwark of States rights, but realizing that under existing state laws the Supreme Court of the United States decision would necessitate Federal control to avoid prosecutions under the Sherman anti-trust law as well as to strike down various other state laws conflicting with said Supreme Court decisions, has granted to the States a moratorium until January 1, 1948, from non-compliance with the Clayton and Sherman anti-trust acts, et cetera, and

Whereas, it is generally considered and known that such Congressional moratorium is merely a respite and moratorium from Federal control of the Insurance industry for such period of time to give to the legislative bodies of the various States that length of time to pass necessary legislation to meet the Southeastern decision, and

Whereas, while this Legislature of Texas at this session has passed various bills attempting to meet said situation, it is generally known that various other cases are on their way to the Supreme Court of the United States involving this and similar matters relating thereto which may change the situation during the approximately two years the moratorium has to run, and also it is not known whether the statutes passed are all that will

be required to care for the situation or whether those passed will need to be amended, new ones passed or existing laws repealed or amended to adjust the situation and avoid Federal control of one of Texas' greatest businesses, and

Whereas, this Legislature is adjourning sine die June 6, 1945, without having, as a whole or through any committee, appointed for such purpose, made any comprehensive study of whether what has been done is adequate to meet the situation or what more should be done, and will probably not again be in session to further remedy this matter until January, 1947, then being without adequate time to study such situation, now therefore, be it

Resolved by the Senate of the State Texas,

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a Committee of five members of the Senate to compose and function as an interim Committee, to do and perform the things hereinafter assigned to it. Such Committee to sit at such times and places between the date of the final passage of this resolution and the date of the convening of the Regular Session of the Fiftieth Legislature, as may to said Committee seem necessary and proper; and the said Committee is hereby directed, authorized and empowered to initiate and continue inquiries and investigations concerning and touching upon the matters set forth hereinabove, including all matters relevant or incident thereto and touching thereupon, with full power and authority to investigate and inquire into any and all insurance laws of the State of Texas, their administration, including the desirability or necessity of new laws or different enforcement of existing laws relating to insurance; and to cooperate with other state legislative bodies, committees, insurance departments, the Congress of the United States and its proper committees and representatives, and other State and Federal agencies, as well as insurance organizations set up by the Insurance Industry or branches thereof in studying these problems.

Section 2. That said Committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing and adjournment; provided, however, that the rules of evi-

dence to be followed shall be substantially the same as followed in the courts of this State, and the Committee is authorized to hold executive sessions, within its discretion, and then the Committee shall be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Section 3. That the majority of the membership of the Committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said Committee shall have the power to issue attachment which may be addressed to and served by either the sergeant-at-arms appointed by said Committee or any sheriff or any constable of this State; and said Committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said Committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said Committee, whether or not privileged from such inspection by law, including any County or political subdivision of this State, and shall also have the power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said Committee. The Committee shall have power to administer oaths and affirmations and fix bonds of attached witnesses; and the Committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such Committee shall constitute a quorum for the transaction of official business. Meetings of such Committee may be called at any time and place, upon the call of the chairman or any three members.

Section 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Section 5. Said Committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary em-

ployees, and it shall be the duty of said Committee to make and keep a record of its investigations.

Section 6. The said Committee may call upon the Attorney General's Department, the Auditor's Department, the Department of Insurance, and all other State Departments for assistance and advice, and it shall be the duty of the Attorney General's Department to give counsel and assistance on request of the Chairman or members of said Committee; and the Department of Insurance is hereby authorized and directed at the order of the Chairman or members of the Committee to furnish the Committee such records as the Department of Insurance office contains and such services, facilities and expert personnel as the said departments may have.

Section 7. That said Committee shall submit a report in writing to the Fiftieth Legislature and make such recommendations as its conclusions warrant and is directed, authorized and empowered to reduce its findings to writing and furnish copies to the Members of the Legislature. The compensation and expenses herein provided and incident to the work of such Committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-ninth Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the Chairman of said Committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-ninth Legislature to meet the payment of such per diem and expenses of the members of said Committee, witnesses, fees, and other expenses incident to said investigation.

Section 8. Said Committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

KNIGHT
YORK

The resolution was read.

On motion of Senator Aikin, the resolution was referred to the Committee on Insurance.

House Bill 290 on Second Reading

On motion of Senator Sulak, and by

unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

S. B. No. 290, A bill to be entitled "An Act to create a more efficient road system for Lubbock County, Texas, and making county commissioners ex officio precinct road commissioners of their respective precincts, defining their powers and duties, providing for the payment of traveling expenses to county commissioners, for the use of their private automobiles, when incurred only in the performance of their duties pertaining to the maintenance of the public roads and highways of said county; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 290, page 1, line 62, by adding after the word "schools" in said line the following: "provided the district shall be compensated by the parochial, denominational, or private schools for such transportation."

The amendment was adopted.

On motion of Senator Metcalfe, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

House Bill No. 290 was then passed to third reading.

House Bill 290 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 290 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Graves
Brown	Hazlewood
Bullock	Jones
Chadick	Kelley
Crawford	Knight

Lane	Shivers
Lanning	Stanford
Martin	Stone
Metcalfe	Sulak
Moffett	Taylor
Moore	Vick
Morris	Winfield
Parrish	York
Ramsey	

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid the bill before the Senate in its third reading and final passage.

The bill was read third time and was passed.

House Bill 484 on Second Reading

Senator Stone called for the consideration at this time of the motion made by him on Saturday, June 2, 1945, to suspend the regular order of business to place House Bill No. 484 on its second reading and passage to third reading.

Question—Shall the motion prevail?

Calendar of Local Bills

At 10:20 o'clock a. m., the President announced the hour previously set for the consideration of local bills had arrived.

House Bill 884 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 884, Creating a more efficient road system for Henderson county for the maintenance of public roads and highways other than duly designated State highways of Henderson County.

The bill was read second time and was passed to third reading.

House Bill 884 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 884 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney	Spears
Mauritz	Weinert

House Bill 80 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 80, A bill to be entitled "An Act to provide a penalty for the private use of county property of labor, or services paid for by a county, including supplies, equipment, or other things of value belonging to such county; and making it unlawful for any officer of any county to knowingly use the labor services of any person whose labor service is paid for by such county for private use; and

providing that if any person appointed or employed by any officer of any court or the Commissioners Court of any county shall knowingly use or permit to be used the labor or services of any person whose labor or services is paid for by such county for private use or profit be guilty of a misdemeanor."

The bill was read second time and was passed to third reading.

House Bill 80 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Brown	Metcalf
Bullock	Moffett
Chadick	Moore
Crawford	Morris
Graves	Parrish
Hazlewood	Ramsey
Jones	Shivers
Kelley	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor

Vick
Winfield

Absent—Excused

Carney
Mauritz
Spears
Weinert

House Bill 549 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 549, A bill to be entitled "An Act amending Section 3 of Article 3833, Revised Civil Statutes, 1925, as amended; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 549 on Third Reading

Senator Stanford moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 549 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney
Mauritz
Spears
Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Crawford
Brown	Graves
Bullock	Hazlewood
Chadick	Jones

Kelley	Ramsey
Knight	Shivers
Lane	Stanford
Lanning	Stone
Martin	Sulak
Metcalf	Taylor
Moffett	Vick
Moore	Winfield
Morris	York
Parrish	

Absent—Excused

Carney
Spears
Mauritz
Weinert

House Bill 793 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 793, A bill to be entitled "An Act to amend subsection (a) of Section 13 of Chapter 465 of the General and Special Laws of the Forty-fourth Legislature, Second Called Session, relating to the compensation of stenographers for county judges; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 793 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 793 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney
Mauritz
Spears
Weinert

The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney	Spears
Mauritz	Weinert

House Bill 642 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 642, A bill to be entitled "An Act amending Article 2994, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1930, 41st Legislature, 4th Called Session, page 30, Chapter 20, Section 1; amending Article 3925, Revised Civil Statutes of Texas, 1925; amending Article 3927, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1941, 47th Legislature, page 641, Chapter 387, Section 1, amending Article 3930, Revised Civil Statutes of Texas, 1925, amending Article 3933, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1937, 43rd Legislature, page 437, Chapter 224, Section 1; amending Article 3955, Revised Civil Statutes of Texas, 1925; amending Article 3937, Revised Civil Statutes of Texas, 1925; amending Article 3939, Revised Civil Statutes of Texas, 1925, providing for the compensation of the assessor and collector of taxes in collecting state and county and other taxes and for issuing ad valorem tax certificates, etc."

The bill was read second time and was passed to third reading.

Record of Votes

Senators Metcalfe, Aikin, Taylor

and Shivers asked to be recorded as voting "nay" on the passage of the bill to third reading.

House Bill 642 on Third Reading

Senator Brown moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 642 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Martin
Brown	Moffett
Bullock	Moore
Chadick	Morris
Crawford	Parrish
Graves	Ramsey
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Vick
Lane	Winfield
Lanning	York

Nays—3

Metcalf	Taylor
Shivers	

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19

Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Stanford
Hazlewood	Stone
Kelley	Vick
Knight	Winfield
Lane	York
Moffett	

Nays—6

Aikin	Metcalf
Jones	Shivers
Martin	Taylor

Absent

Sulak	Lanning
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Absent—Excused

Carney	Spears
Mauritz	Weinert

(Pending consideration of the bill, Senator Taylor occupied the Chair temporarily.)

(President in the Chair.)

House Bill 883 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 883, A bill to be entitled "An Act providing that in all Cities and Towns heretofore incorporated, or attempted to be incorporated, under the provisions of Chapter 12, Title 28, Revised Civil Statutes of Texas, 1925, which have functioned as incorporated Cities and Towns since the date of incorporation, or attempted incorporation, and the boundaries of which have been defined by the Board of Commissioners of such Cities and Towns, by ordinance duly adopted and placed in the Minutes of such Board of Commissioners, the incorporation of such Cities and Towns to include the exact territory described in said ordinance so adopted, be and the same is hereby validated, ratified, approved, and confirmed; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 883 on Third Reading

Senator Parrish moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 883 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Brown	Lanning
Bullock	Martin
Chadick	Metcalfe
Crawford	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Parrish
Kelley	Ramsey
Knight	Shivers

Stanford	Vick
Stone	Winfield
Sulak	York
Taylor	

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 4, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 121, Authorizing the Enrolling Clerk to make certain changes in H. B. No. 571.

H. C. R. No. 123, Suspending the Joint Rules to permit the House to consider H. B. No. 33 on Monday, June 4, 1945.

S. B. No. 176, Providing for the creation of a State Board of Public Accountancy in Texas; with amendments.

The House has concurred in Senate amendments to H. B. No. 441 by a vote of 115 yeas and 1 nay.

The House has adopted the Conference Committee Report on Senate Bill No. 88 by a vote of 106 yeas.

The House has concurred in Senate amendments to House Bill No. 882 by a vote of viva voce.

The House has concurred in Senate amendments to House Bill No. 38 by a vote of 106 yeas.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

Extension of Time to Consider
Local Bills

At 10:50 o'clock a. m., the President announced the time set aside for

consideration of local bills had expired.

Senator Moffett moved that the time for the consideration of local bills be extended until 11:20 o'clock a. m., today.

The motion prevailed by the following vote:

Yeas—21

Aikin	Moore
Brown	Morris
Chadick	Parrish
Graves	Ramsey
Jones	Shivers
Kelley	Stanford
Knight	Stone
Lane	Taylor
Lanning	Vick
Metcalf	York
Moffett	

Nays—4

Bullock	Hazlewood
Crawford	Martin

Absent

Winfield	Sulak
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Absent—Excused

Carney	Spears
Mauritz	Weinert

House Joint Resolution 62 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 62, Proposing an Amendment to Article III of the Constitution of the State of Texas by the addition of a new Section to be known as Section 49-b; creating a Veteran's Land Board and establishing a Veteran's Land Fund; providing for an election and the issuance of a proclamation therefor.

The resolution was read second time

Senator Martin offered the following amendment to the resolution:

Amend H. J. R. No. 62 by striking out of Section 2 thereof the words and figures "25th Day of August" and inserting in lieu thereof "First Tuesday in November."

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend H. J. R. No. 62 by inserting after the word "received" and in front of the word "by" in the last paragraph of Section 1, appearing on page 2 of said Resolution where they appear the following: "and which have been received and which have not been used for repurchase of land as provided herein."

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend H. J. R. No. 62 by adding a new section to be designated as Section 4 as follows:

"Section 4. The sum of \$10,000.00 dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury of the State not otherwise appropriated to pay the expenses of such publication and election."

The amendment was adopted.

Senator Shivers offered the following amendment to the resolution:

Amend H. J. R. No. 62 by striking out the following: "obligations of the State of Texas" wherever same appears and substituting in lieu thereof the following: "obligations against the Permanent School Fund of the State of Texas."

Question—Shall the amendment be adopted?

At 11:20 o'clock a. m., the President announced that the additional time for the consideration of local bills had expired.

Senator Moffett moved that the time be extended to 11:50 o'clock a. m., today.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Brown	Metcalf
Chadick	Moffett
Crawford	Moore
Graves	Morris
Hazlewood	Parrish
Jones	Stanford
Kelley	Taylor
Knight	Winfield
Lane	York
Lanning	

Present—Not Voting

Shivers Vick

Nays—3Bullock Stone
Ramsey**Absent**

Sulak

Absent—ExcusedCarney Spears
Mauritz Weinert

Question recurring on the amendment by Senator Shivers to H. J. R. No. 62, yeas and nays were demanded.

The roll was called and the vote was announced "yeas" 13, "nays" 13.

The President voted "yea," and the amendment was adopted by the following vote:

Yeas—14

Mr. President	Metcalf
Aikin	Ramsey
Brown	Shivers
Bullock	Sulak
Knight	Taylor
Lane	Weinert
Lanning	York

Nays—13

Chadick	Moore
Crawford	Morris
Graves	Parrish
Hazlewood	Stanford
Kelley	Stone
Martin	Vick
Moffett	

Absent

Jones

Absent—ExcusedCarney Spears
Mauritz Winfield

On motion of Senator Martin, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

House Joint Resolution No. 62 was then passed to third reading.

House Joint Resolution 62 on Third Reading

Senator Martin moved that the rule

requiring resolutions to be read on three several days be suspended and that H. J. R. No. 62 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—ExcusedCarney Spears
Mauritz Weinert

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—ExcusedCarney Spears
Mauritz Weinert**Bills and Resolutions Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

S. B. No. 314, "An Act to amend H. B. No. 668, Chapter 313, Acts of

1935, 44th Legislature, Regular Session (listed as Article 1351a, V.A.C.S.) by adding a new Section thereto, immediately following Section 2 thereof, to be known as Section 2-a providing for injunctive relief in addition to other remedies provided in said chapter; and declaring an emergency."

S. B. No. 272, "An Act appropriating the sum of \$3,500.00 or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas in favor of the Mount Olivet Cemetery Company of Fort Worth, Tarrant County, Texas, in Cause No. 25570-A, in the 96th District Court of Tarrant County, Texas, such judgment having been rendered on the 9th day of August, 1943, and not having been appealed from by the State of Texas or the Texas Highway Commission, defendants in said suit, and that said judgment is now a final judgment and the case having been fully and finally disposed of by the said 96th District Court of Tarrant County, Texas; and declaring an emergency."

C. S. S. B. No. 271, "An Act defining the matter in controversy in class actions for jurisdictional purposes; and declaring an emergency."

S. B. No. 299, "An Act amending Article 6078, Revised Civil Statutes of Texas, 1925, as amended, providing for the Commissioner's Court to maintain County Parks; and declaring an emergency."

S. B. No. 268, "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas of the sum of Fifty-five Thousand Dollars (\$55,000.00) not otherwise appropriated, to cover the payment of taxes on State Prison Farm lands located in Fort Bend, Brazoria, Harris, Walker, Houston, and Madison Counties now due and unpaid, exclusive of penalties and interest, by the State of Texas to said counties and to the Independent School Districts in which said lands are located, for the years 1939, 1940, 1941, 1942, 1943, and 1944, and to become due for the years 1945 and 1946; authorizing payment of said taxes by the Comptroller of Public Accounts upon proper statements; and declaring an emergency."

S. B. No. 133, "An Act amending Section 13 of House Bill No. 654, Chapter 314, Page 698 of the General and Special Laws passed by the

Regular Session of the Forty-first Legislature, as thereafter amended, and declaring an emergency."

S. B. No. 160, "An Act amending Article 3902, Revised Civil Statutes of Texas of 1925, and all amendments thereto, by adding thereto a new subsection to be known as Sub-section 9; fixing the maximum compensation of the Chief Deputies to the County Sheriffs in counties of not less than ten thousand two hundred fifty (10,250), and not more than ten thousand three hundred fifty (10,350) inhabitants, according to the last preceding Federal Census, and which have a tax valuation of not less than thirteen million one hundred dollars (\$13,000,100.00) according to the last approved tax roll; and declaring an emergency."

S. B. No. 303, "An Act to amend Section 1 of House Bill 110, Chapter 453, Acts of 1935, Forty-fourth Legislature, Second Called Session, (listed in Vernon's Annotated Civil Statutes of Texas as Article 1015c, Section 1 thereof), so as to include picture theatres and picture shows in certain projects which all cities and towns, including Home Rule cities, are authorized and empowered to build and purchase, to mortgage and encumber; and declaring an emergency."

S. C. R. No. 37, Declaring the Legislative intent and desire in so far as H. B. 849 is concerned.

S. C. R. No. 38, Directing the enrolling clerk of the House to correct H. B. 173 by deleting from the rider certain words dealing with the University of Texas.

H. C. R. No. 106, Commending the members of the Interstate Commerce Commission for their epoch-making decision in behalf of freight rate equality.

H. C. R. 67, Granting John V. Dowdy permission to bring suit against the State of Texas.

H. C. R. No. 60, Granting permission to District Judges to leave the State during 1945 and 1946.

H. B. No. 652, "An Act authorizing all cities and towns having a population in excess of 55,000, acting through their governing bodies by complying with the notice provisions of the Bond and Warrant Law of 1931 and affording an opportunity for the voters to file a petition for an elec-

tion thereon, to purchase or construct dams, reservoirs, pipe lines and other property incident to a water supply for such city or town; providing that such bonds may be issued also for refunding purposes or for both of said purposes; making provision for the issuance of additional revenue bonds of equal dignity for improvements, extensions, repairs or replacements to the extent and in the manner expressly permitted by the ordinances authorizing revenue bonds then outstanding; prescribing approval by the Attorney General and the effect of such approval; and declaring an emergency."

H. B. No. 377, "An Act requiring all State Officers who have the power to employ any persons whose salaries are paid out of funds appropriated by the State Legislature, to appoint at least twenty-five (25) per cent of such employees from the men and/or women who have served or will serve in the armed forces of the United States in World War II."

H. B. No. 407, "An Act providing for the sale of fish in Coleman County or that are taken from the waters of Coleman County, excepting any bass or crappie, commonly called white perch; and declaring an emergency."

H. B. No. 370, "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, and all amendments thereto, so as to include the County of Cameron in the list of counties exempted from the provisions of Chapter 7 of Title 121, Revised Civil Statutes of Texas, 1925, and from all laws regulating the inspection of hides and animals, and declaring an emergency."

H. B. No. 367, "An Act to amend Article 7256 of the Revised Civil Statutes of Texas, as amended by Section 1, Chapter 16, Acts of the First Called Session of the 43rd Legislature, and as amended by Acts of 1937, 45th Legislature, page 149, Chapter 80, Section 1, so as to provide that the deputy assessor and collector of taxes in cities of in excess of seven thousand (7,000) or more inhabitants, other than the county seat, as provided for in said act, shall be paid in the same manner and from the same funds as are deputy assessors and collectors of taxes whose duties are performed at the county seat; and declaring an emergency."

H. B. No. 353, "An Act to amend Article 2874 of the Revised Civil Statutes of 1925 providing that some member or employee of each District Board of Trustees enter into a bond in the sum of fifty per cent of the value of books consigned to such board."

H. B. No. 415, "An Act to amend Section 3 of Chapter 4, Acts of the First Called Session, 41st Legislature, 1929, (subdivision 25, of Rule 47a of Article 4477, V. A. C. S.) so as to give a court of competent jurisdiction and the county court in the county where the birth or death occurred, authority to order the County Clerk and the State Registrar to issue a certified copy of any birth or death certificate wherein a child or adult is stated to be illegitimate, and authorizing the County Clerk to deliver, at the request of said illegitimate person or of their guardian or legal representative, a certified copy of such certificate, and declaring an emergency."

H. B. No. 344, "An Act to amend Article 2968, of the Revised Civil Statutes of the State of Texas, requiring those persons entitled to poll tax exemption to secure a new certificate annually; and declaring an emergency."

H. B. No. 421, "An Act authorizing the sale of certain land belonging to the Rusk State Hospital to the Texas State Railroad; granting the Texas State Railroad full authority to lease or dispose of the same; providing for an easement across the property; reserving all mineral interests to the State of Texas; and declaring an emergency."

H. B. No. 309, "An Act relating to aeronautics; providing for the development thereof within this State; creating a state aeronautics commission and the office of directors of aeronautics; prescribing the powers and duties of such commission and director; making an appropriation therefor; prescribing penalties, and repealing all laws and parts of laws in conflict herewith; providing that if any section, paragraph, sentence, clause, phrase or part of this Act be invalid, such invalidity shall not affect the remainder thereof; and declaring an emergency."

H. B. No. 230, "An Act to amend

Section 20 of Chapter 65, General and Special Laws, 41st Legislature, 1st Called Session as amended by Chapter 235, General Laws of Texas, 43rd Legislature, Regular Session, relating to regulating the avocation and art of barbering; providing for annual renewal of certificates of registration to practice barbering to be issued by the Board of Barber Examiners, and for an increased renewal registration fee; providing for a restoration of expired certificates of registration to practice barbering."

H. B. No. 426, "An Act to amend House Bill No. 596, Pages 267 and 268, of the General Laws of the Regular Session of the Forty-eighth Legislature, so as to extend their provisions regarding the issuance of certificates and certified copies of instruments to be used in furthering claims and establishing proof of such ex-service men of the Federal Government, and such ex-members of the Auxiliaries to the Armed Forces of the United States Government of World War I, the Spanish-American War, World War II, or any other active service and their heirs at law to also include present and future members of the Armed Services, and their Auxiliaries, and their heirs at law, and their dependents, and the dependents of those formerly in such services; etc. and declaring an emergency."

H. B. No. 54, "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended, and declaring an emergency."

H. B. No. 312, "An Act authorizing incorporated cities, towns or villages, independent school districts, drainage districts, water control and improvement districts, water improvement districts, navigation districts, road districts, or any other municipality or district in the State of Texas, located entirely within the boundaries of another municipality or district, to avail themselves of the services of the Tax Assessors and Collectors and Boards of Equalization of such other Municipality, or District in which it is located; etc., and declaring an emergency."

H. B. No. 600, "An Act providing that children may be transported to a school other than one in the 'home district' when natural or artificial barriers make it impractical to trans-

port children to the 'home school,' and declaring an emergency."

H. B. No. 842, Prohibits killing of mule deer (blacktail deer) for five years in Brown and Coleman counties.

H. B. 860, Providing for qualifications for Notaries Public.

H. B. No. 880, "An Act repealing House Bill No. 960, 47th Legislature, applicable to counties of a population between Thirty-eight Thousand (38,000) and Thirty-eight Thousand Three Hundred Twenty-Five (38,325)."

H. B. No. 878, "An Act to amend Articles 3108, 3111, 3112, 3113, 3115, and 3117 as amended by the Regular Session of 1943; and declaring an emergency."

H. B. No. 505, "An Act to appropriate \$350.40 to The Texas Mexican Railway Company as part payment on a judgment for \$974.60, recorded November 28, 1942, by the The Texas Mexican Railway Company and San Antonio Southern Railway Company against the Secretary of State, State Treasurer and the Attorney General of Texas for refund on franchise taxes paid in 1939 under protest as provided in Article 7075b, Vernon's Annotated Civil Statutes; and declaring an emergency."

H. B. No. 595, "An Act to amend Article 6931 of Title 121 of the Revised Civil Statutes of the State of Texas, 1925, and declaring an emergency."

H. C. R. No. 120, An Act recalling House Bill 121 from the Governor's office.

H. C. R. No. 116, Authorizing the Enrolling Clerk to change the caption of the Free Conference Committee on House Bill No. 353.

H. C. R. No. 90, Providing for adjournment sine die Tuesday, June 5, 1945.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
June 4, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 634, have had same under

consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Austin, Texas,
May 31, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 287 by Deen et al., have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed, but not otherwise printed.

MARTIN, Chairman.

Austin, Texas,
June 2, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 46, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, but be mimeographed.

MARTIN, Chairman.

(Senator Kelley in the Chair)

House Bill 843 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 843, Making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the use of the Upper Red River Flood Control District.

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. 843 to include \$25,000.00 each year for the Upper Colorado River Authority.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

By adding \$10,000 for Nueces River Authority.

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 843 by adding a new section at proper place to read as follows:

"Sec. ——. There is hereby appropriated \$2500.00 each year of the biennium beginning September 1, 1945, for the Pease River Flood Control District."

(President in the Chair.)

Question—Shall the amendment be adopted?

Senator Martin raised a point of order against further consideration of the bill on the ground that the time set aside for the consideration of local bills has expired.

The President sustained the point of order.

Motion to Place House Bill 484 on Second Reading

The Senate resumed consideration of pending business, same being the motion by Senator Stone to suspend the regular order of business to place House Bill No. 484 on its second reading and passage to third reading.

Question—Shall the motion prevail?

The motion was lost by the following vote:

Yeas—12

Chadick	Martin
Graves	Moffett
Hazlewood	Parrish
Kelley	Stone
Knight	Vick
Lane	Winfield

Nays—13

Brown	Ramsey
Bullock	Shivers
Crawford	Stanford
Jones	Sulak
Metcalfe	Taylor
Moore	York
Morris	

Absent—Excused

Mauritz	Weinert
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Paired

Senator Lanning (present), who would vote "nay" with Senator Spears (absent), who would vote "yea".

Senator Aikin (present), who would

vote "nay" with Senator Carney (absent), who would vote "yea".

House Bill 46 on Second Reading

Senator Ramsey moved that the regular order of business be suspended to take up House Bill No. 46 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Moore
Brown	Parrish
Bullock	Ramsey
Chadick	Shivers
Crawford	Stanford
Graves	Stone
Hazlewood	Sulak
Kelley	Taylor
Knight	Vick
Lane	Winfield
Lanning	York

Nays—2

Jones Metcalfe

Present—Not Voting

Martin Morris

Absent

Moffett

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 46, A bill to be entitled "An Act defining terms; providing for the filing of annual statements of cemetery perpetual care funds by perpetual care cemeteries; providing for payment of filing fees to accompany such statements; providing for the receipt and disbursement of funds derived from filing fees; providing the powers and duties of enforcement officers; providing for the organization of cemetery corporations, whether nonprofit corporations organized by cemetery lot owners, or private corporations organized for profit; etc., and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendments to the bill:

(1)

Amend House Bill No. 46, Section

15, Page 24, by striking out on Lines 5, 6, and 7, the following words:

"until such fund reaches a minimum of One Hundred Thousand Dollars (\$100,000), and the minimum thereafter shall be Ten (10) cents per square foot;"

(2)

Amend House Bill No. 46, Page 3, by striking out the last four words in Paragraph 2, and substituting in lieu thereof the following:

"to properly maintain roads, fences, buildings and water system, to provide adequate drainage and to properly mow and keep in a clean and sightly condition all lawns."

The amendments were severally adopted.

House Bill No. 46 was then passed to third reading.

House Bill 736 on Second Reading

On motion of Senator Graves, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 736, A bill to be entitled "An Act creating the Dallas County Flood Control District in Dallas County, Texas, and defining its powers; providing that the powers, rights, privileges and functions of said District shall be exercised by a board of three directors to be appointed by the Governor and confirmed by the Senate and prescribing their terms of office and compensation; defining the duties of said directors and authorizing them to employ such assistants and employees as may be required in the management of the affairs of said District; etc., and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

Record of Votes

Senators Morris and Aikin asked to be recorded as voting "nay" on the passage of the bill to third reading.

House Bill 736 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 736 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lanning
Brown	Metcalf
Bullock	Moffett
Chadick	Moore
Crawford	Parrish
Graves	Ramsey
Hazlewood	Shivers
Jones	Stanford
Kelley	Stone
Knight	Vick
Lane	York

Nays—4

Morris	Taylor
Sulak	Winfield

Absent

Martin

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Morris, Lane, Moffett, Sulak, Aikin and Winfield asked to be recorded as voting "nay" on the passage of the bill.

House Bill 46 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 46 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—27

Aikin	Graves
Brown	Hazlewood
Bullock	Jones
Chadick	Kelley
Crawford	Knight

Lane	Shivers
Lanning	Stanford
Martin	Stone
Metcalf	Sulak
Moffett	Taylor
Moore	Vick
Morris	Winfield
Parrish	York
Ramsey	

Absent—Excused

Carney	Spears
Mauritz	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Executive Session

At 12:00 o'clock m., the President announced the arrival of the hour for an executive session of the Senate and ordered the floor and the galleries cleared of all those not entitled to attend the executive session and directed all doors leading from the Chamber to be closed and guarded.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following appointments had been confirmed by the Senate:

To be a member of the Board of Directors of the Lower Colorado River Authority for terms expiring January 1, 1951:

R. D. Wright of Wharton County.

To be a member of the State Parks Board for a six year term to expire May 15, 1951:

Jake D. Sandefer, Jr., of Breckenridge, Stephens County.

To be members of the State Board of Embalming for a six year term to expire May 31, 1951:

Joe C. Denton of Bonham, Fannin County.

R. L. Burgess of Bowie, Montague County.

To be members of the Board of Pilot Commissioners for Sabine Bar Pass and Tributaries for two year terms to expire June 15, 1947:

L. W. Hustmyre, of Orange, Orange County.

T. T. Hunt, of Beaumont, Jefferson County.

A. M. Phelan of Beaumont, Jefferson County.

R. D. Steele of Port Arthur, Jefferson County.

Neal D. Rader of Port Arthur, Jefferson County.

To be a member of the State Board of Hairdressers and Cosmetologists for a six year term to expire August 9, 1951:

Mrs. Ella Mae Murphy of Corpus Christi, Nueces County.

The Secretary also informed the Journal Clerk that the following nomination had been rejected by the Senate:

To be a member of the State Board of Health for a six year term to expire June 15, 1951:

Dr. L. O. Godley of Fort Worth, Tarrant County.

In Legislative Session

At 12:45 o'clock p. m., the President called the Senate to order as in legislative session.

Senate Bill 269 with House Amendments

Senator Stone called S. B. No. 269 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Stone moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 176 With House Amendments

Senator Morris called S. B. No. 176 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate concur in the House amendments.

Senator Aikin moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the

differences between the two Houses on the bill.

Senator Morris moved to table the motion of Senator Aikin.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Brown	Moore
Bullock	Morris
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Knight	Taylor
Lanning	Vick

Nays—10

Aikin	Moffett
Jones	Parrish
Kelley	Sulak
Lane	Winfield
Metcalf	York

Absent

Martin

Absent—Excused

Carney	Spears
Mauritz	Weinert

Question then recurring on the motion of Senator Morris that the Senate concur in the House amendments to the bill, yeas and nays were demanded.

The motion to concur prevailed by the following vote:

Yeas—15

Brown	Morris
Bullock	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Lanning	Taylor
Martin	Vick
Moore	

Nays—12

Aikin	Metcalf
Chadick	Moffett
Jones	Parrish
Kelley	Sulak
Knight	Winfield
Lane	York

Absent—Excused

Carney	Spears
Mauritz	Weinert

Pending consideration of the mo-

tion, the President pro tempore occupied the chair temporarily.

(President in the chair)

**Communication from Honorable
Tom Clark**

On motion of Senator Moore, the following communication to Senator Graves from Honorable Tom Clark, was ordered printed in the Journal:

**ASSISTANT ATTORNEY
GENERAL
Washington**

5-30-45

My dear Senator:

It fills my heart with emotion when I read the resolution of the Senate. I do appreciate it so much. Please thank each of the Senators for me. Many of them have been my friends for many years.

The place I have been "skyrocketed" into is a tough one. I shall need help and it gives me strength to know that my old Texas friends are ready to put their shoulders to the wheel. Bless their hearts.

With every good wish,

Your friend,

TOM CLARK

**Report of Conference Committee on
House Bill 98**

Senator Metcalfe submitted the following report of the Conference Committee on House Bill No. 98:

Austin, Texas,
June 4, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 98, beg leave to report that we have considered the same and recommended that it do pass in the form and text hereto attached.

**METCALFE
WEINERT
MOORE
LANE
SHIVERS**

On the part of the Senate.

**HOYO
FERTSCH
STOREY
SUITER
SENERFITT**

On the part of the House.

By Hoyo

H. B. No. 98

A BILL

To Be Entitled

An Act to amend Article 26, Title 1 of the Revised Civil Statutes of Texas, 1925, so as to provide for additional methods of administering oaths, affidavits or affirmations; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. Article 26, Title 1, of the Revised Civil Statutes of Texas of 1925, is hereby amended so as to hereafter read as follows:

Article 26. By Whom Administered:

1. All oaths, affidavits or affirmations made within this State may be administered and a certificate of the fact given by:

a. A judge or clerk of any District Court.

b. A judge or clerk of any County Court.

c. A notary public.

d. A Justice of the Peace.

e. Any member of any board or commission created by the laws of this State, in matters pertaining to the duties thereof.

2. Such oath, affidavit or affirmation made without this State and within the physical limits of the United States and its territories may be administered and a certificate of fact given by:

a. A clerk of any court of record having a seal.

b. A commissioner of deeds duly appointed under the laws of this State.

c. A notary public.

3. Such oath, affidavit or affirmation made without the physical limits of the United States and its territories may be administered and a certificate of fact given by:

a. A minister, a commissioner or charge d'affaires of the United States, resident and accredited to the country where the oath, affidavit or affirmation is made.

b. A consul-general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul or consular agent of the United States, resident in the country where the oath, affidavit or affirmation is made.

c. A notary public.

4. In addition to the methods above

provided, any such oath, affidavit or affirmation made by a member of the Armed Forces of the United States of America or any Auxiliaries thereto, may be administered by any commissioned officer in the Armed Forces of the United States of America or in the Auxiliaries thereto, and a certificate of such fact may be made by such officer.

In the absence of pleading or proof to the contrary it shall be presumed, when any certificate of an oath, affidavit or affirmation is offered in evidence, that the person signing such as a commissioned officer was such on the date signed, and that the person making such oath, affidavit or affirmation, to which such officer certifies, was one of those with respect to whom such action is hereby authorized.

No oath, affidavit or affirmation administered in accordance with the provisions of this sub-section 4 of this Act shall be held invalid by reason of the failure of the officer certifying to such oath, affidavit or affirmation to attach an official seal to the certificate thereto.

Section 2. The fact that many members of the Armed Forces and Auxiliaries thereto have no way to make oath, affidavits or affirmations before persons authorized to administer such creates an emergency, and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and such facts further create an emergency requiring that this Act be in force and take effect from and after its passage, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

Absent—Excused

Carney	Spears
Mauritz	Weinert

Report of Conference Committee on Senate Bill 88

Senator Metcalfe submitted the following report of the Conference Committee on Senate Bill No. 88:

Austin, Texas,
June 4, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 88, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

METCALFE
WEINERT
MOORE
LANE
SHIVERS

On the part of the Senate.

SETERFITT
WALKER
SUITER
FERTSCH
STOREY

On the part of the House.

S. B. No. 88

A BILL

To Be Entitled

An Act to amend Article 6602, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 6602, Revised Civil Statutes of Texas, 1925, as amended by H. B. No. 4, Chapter 45, Acts of the Regular Session of the Forty-eighth Legislature, 1943, be amended so as to hereafter read as follows:

"Article 6602. 1. The acknowledgment or proof of an instrument of writing for record may be made within this State before:

- a. A clerk of the District Court.
 - b. A judge or clerk of the County Court.
 - c. A notary public.
2. The acknowledgment or proof of

such instrument may be made without this State, but within the physical limits of the United States of America or its territories before:

a. A clerk of some court of record having a seal.

b. A commissioner of deeds duly appointed under the laws of this State.

c. A notary public.

3. The acknowledgment or proof of such instrument may be made without the physical limits of the United States and its territories before:

a. A minister, a commissioner or charge d'affaires of the United States, resident and accredited in the country where the proof or acknowledgment is made.

b. A consul-general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul or consular agent of the United States, resident in the country where proof of acknowledgment is made.

c. A notary public.

4. In addition to the methods above provided the acknowledgment or proof of an instrument of writing for record may be made by a member of the Armed Forces of the United States or any Auxiliary thereto before any commissioned officer in the Armed Forces of the United States of America or in the Auxiliaries thereto.

In the absence of pleading and proof to the contrary it shall be presumed when any such acknowledgment is offered in evidence that the person signing such as a commissioned officer was such on the date signed, and that the person whose acknowledgment he took was one of those with respect to whom such action is hereby authorized.

No certificate of acknowledgment or proof of instrument taken in accordance with the provisions of this sub-section 4 of this Act shall be held invalid by reason of the failure of the officer certifying to such acknowledgment or proof of instrument to attach an official seal thereto.

Section 2. The fact that many members of the Armed Forces and Auxiliaries thereto have no way to acknowledge legal documents and instruments for record creates an emergency, and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and such facts further create an emer-

gency requiring that this Act be in force and take effect from and after its passage, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalfe	

Absent—Excused

Carney	Spears
Mauritz	Weinert

Report of Conference Committee on House Joint Resolution 49

Senator Shivers submitted the following report of the Conference Committee on House Joint Resolution No. 49:

Austin, Texas,
June 4, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Joint Resolution No. 49, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

SHIVERS
RAMSEY
HAZLEWOOD

On the part of the Senate.

COLSON
RAMSEY
MANFORD
CROTHWAIT
McMURRY

On the part of the House.

H. J. R. 49

By: Colson

House Joint Resolution

Proposing an amendment to Article VIII of the Constitution of the State

of Texas by adding thereto a new section to be known as "Section 7-a"; providing that subject to legislative appropriation, allocation and direction all net revenues derived from the taxes, except gross production and ad valorem taxes, levied on motor fuels and lubricants and motor vehicles registration fees shall be used for the sole purposes of acquiring rights-of-ways for and constructing and maintaining public roadways; for the administration of laws pertaining to traffic and safety; and for the payment of principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible for debt service prior to January 2, 1945; providing that one-fourth (1/4) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; providing and insuring that each county shall never derive less revenue from motor registration fees than the maximum amounts and percentages of such fees allowed to be retained by each county under the laws in effect on January 1, 1945; negating any interpretation of this amendment as authorizing the pledging of the State's credit for any purpose; providing for the submission of this amendment to the voters of this State; prescribing the form of ballot; and providing for the proclamation of the election and the publication thereof.

Be It Resolved by the Legislature of the State of Texas:

Section 1. That Article VIII of the Constitution of the State of Texas be amended by adding thereto a new section to be known as 7-a and to be read as follows:

"Section 7-a. Subject to legislative appropriation, allocation and direction, all net revenues remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees, and all taxes except gross production and ad valorem taxes on motor fuels and lubricants used to propel motor vehicles over public roadways, shall be used for the sole purpose of acquiring right-of-way, constructing, maintaining, and policing such public roadways, and for the administration of such laws as may be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads, and for the payment of the principal and interest on county and road district bonds or

warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the County and Road District Highway Fund under existing law; provided, however, that one-fourth (1/4) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; and, provided, however, that the net revenue derived by counties from motor vehicle registration fees shall never be less than the maximum amounts allowed to be retained by each County and the percentage allowed to be retained by each County under the laws in effect on January 1, 1945. Nothing contained herein shall be construed as authorizing the pledging of the State's credit for any purpose."

Section 2. The foregoing Amendment to the Constitution shall be submitted to a vote of the qualified electors of this State at the General Election to be held in November, 1946, at which election each ballot shall have printed thereon the following words:

"FOR the Amendment to the Constitution of the State providing that subject to legislative appropriation, allocation and direction all net revenues derived from taxes, except gross production and ad valorem taxes levied on motor fuels and lubricants and motor vehicle registration fees shall be used for the sole purposes of acquiring rights-of-way for and constructing and maintaining public roadways; for the administration of laws pertaining to traffic and safety; and for the payment of principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible for debt service prior to January 2, 1945; providing that one-fourth (1/4) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; providing and insuring that each county shall never derive less revenue from motor registration fees than the maximum amounts and percentages of such fees allowed to be retained by each county under the laws in effect on January 1, 1945; and negating any interpretation of this amendment as authorizing the pledging of the State's credit for any purpose.

AGAINST the Amendment to the Constitution of the State of Texas providing that subject to legislative appropriation, allocation and direc-

tion all net revenues derived from taxes except gross production and ad valorem taxes levied on motor fuels and lubricants and motor vehicle registration fees shall be used for the sole purpose of acquiring rights-of-way for and constructing and maintaining public roadways; for the administration of laws pertaining to traffic and safety; and for the payment of principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible for debt service prior to January 2, 1945; providing that one-fourth ($\frac{1}{4}$) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; providing and insuring that each county shall never derive less revenue from motor registration fees than the maximum amounts and percentages of such fees allowed to be retained by each county under the laws in effect on January 1, 1945; and negating any interpretation of this amendment as authorizing the pledging of the State's credit for any purpose.

Each voter shall strike out with pen or pencil the clause which he desires to vote against so as to indicate whether he is voting FOR or AGAINST said proposed amendment.

Section 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for Amendments thereto.

Question—Shall the report be adopted?

Adjournment

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—20

Aikin	Metcalf
Brown	Morris
Bullock	Parrish
Chadick	Ramsey
Crawford	Stanford
Graves	Sulak
Jones	Taylor
Lane	Vick
Lanning	Winfield
Martin	York

Nays—7

Hazlewood	Knight
Kelley	Moffett

Moore	Stone
Spears	

Absent—Excused

Carney	Shivers
Mauritz	Weinert

The Senate, accordingly, at 1:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

EIGHTY-FOURTH DAY

(Tuesday, June 5, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senator Spears was granted leave of absence for today on account of important business on motion of Senator Winfield.